

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Revisions to Reporting Requirements Governing)	WT Docket No. 17-228
Hearing Aid-Compatible Mobile Handsets)	

**REPLY COMMENTS OF EAST KENTUCKY NETWORK, LLC
D/B/A APPALACHIAN WIRELESS**

East Kentucky Network, LLC d/b/a Appalachian Wireless (“Appalachian Wireless”) hereby submits its comments in reply to the *Comments of Hearing Loss Association of America, Telecommunications for the Deaf and Hard of Hearing, Inc., The Deaf and Hard of Hearing Consumer Advocacy Network, National Association of the Deaf, Deaf/Hard of Hearing Technology RERC*, WT Docket No. 17-228, FCC 17-123, filed on November 13, 2017 (the “HLAA Comments”).

In the HLAA Comments, the portion of Appalachian Wireless’ website devoted to HAC information was characterized as “poorly maintained.” (HLAA Comments, p. 5). The basis for this characterization is the fact that Appalachian Wireless’ Hearing Aid Compatibility Chart (the “HAC Chart”) included a number of devices that were not available for retail purchase through the website at the time of HLAA’s review.¹ HLAA’s fundamental premise appears to be that

¹ HLAA asserts that, as of October 28, 2017, only 13 of the 45 devices listed on Appalachian Wireless’ HAC Chart were available for online purchase. Appalachian Wireless has not made an effort to verify this computation or determine what devices were in stock on said date. On November 2, 2017 (11 days prior to the filing of the HLAA Comments), Appalachian Wireless performed a routine update of its HAC Chart. Of the 35 devices listed on the current chart, 25 were available for online purchase as of the date this reply was prepared, and 10 were not available for online purchase, but were nonetheless included on the HAC Chart for the reasons explained herein.

consumers do not want a carrier to provide information regarding HAC compatibility of a device that is not presently available for online purchase from the carrier. In maintaining its HAC Chart, Appalachian Wireless was operating on the assumption that its customers' needs may be more expansive than that.

The devices listed on Appalachian Wireless' HAC Compatibility Chart consist of: (1) devices available for online purchase through Appalachian Wireless' website; (2) devices that cannot be purchased online, but may be in stock in limited quantities at one or more retail locations; and (3) devices that are no longer available for purchase from Appalachian Wireless, but which have been sold in recent months and are reasonably likely to still be in use by Appalachian Wireless customers. Since many customers use the same device for two years or more, Appalachian Wireless does not immediately remove information about a device from the HAC Chart simply because it is not currently available for online purchase. Appalachian Wireless can foresee instances in which a customer may not need HAC information at the time of purchase but may develop a need for such information at a later date.²

The fact that Appalachian Wireless' HAC Chart on its website includes information about devices that are not currently available for online purchase is not the result of lack of care or attention. Rather, it was an intentional decision made in an effort to provide information to customers frequenting retail stores (rather than purchasing online) and existing customers that

² While Appalachian Wireless maintains information about some unavailable devices on its HAC Chart because of recency of sale, it does not include every single device that is used by every customer. Because of the variety of devices that customers may be using at any given time, Appalachian Wireless is of the belief that the best source of HAC information is from device manufacturers. Nonetheless, information is provided concerning devices that were most recently sold.

purchased devices in the recent past and may have need to know this information after the original purchase of the device.

More to the point, however, if HLAA perceives a deficiency in the website information simply because not all of the devices listed are currently available for online purchase, the Form 655 Report does nothing to counteract this alleged deficiency. The Form 655 Report, due annually on January 15, is a backward-looking report, containing information for the prior calendar year. HLAA suggests that a consumer can look to the Form 655 Report, rather than the website, as a more accurate source of the information needed. (HLAA Comments, p. 4). However, if HLAA was dissatisfied with the “outdated” information that a customer looking at the Appalachian Wireless website would have seen on October 28, 2017, when HLAA performed its review, then the information available in Appalachian Wireless’ most recent Form 655 Report, would have been equally disappointing since it covered a prior calendar year (January 2016 – December 2016).

If there are formats or parameters that HLAA and other advocacy groups would prefer because they believe it may be more helpful or appropriate, such suggestions and preferences can be conveyed by any interested party or group directly to Appalachian Wireless. Continuing the requirement to file the annual Form 655 Report does nothing to advance such preferences. This is readily apparent from the fact that Appalachian Wireless has appropriately filed its Form 655 Report as required each year, yet its website is still deemed deficient in the subjective judgment of HLAA. There is simply no nexus between the Form 655 filing requirement and the criticisms asserted by HLAA concerning the content of Appalachian Wireless’ website.

Appalachian Wireless continues to believe it is appropriate to include certain devices on its HAC Chart even if they are not presently available for online purchase. However, based on

the comments filed by HLAA, Appalachian Wireless is adding an “Availability” column to its HAC Chart to indicate whether or not each device listed is in stock. Appalachian Wireless appreciates the insight of HLAA and other advocacy groups and is happy to have feedback that will allow it to improve customers’ experience with the HAC Chart.

The HLAA Comments also note that Appalachian Wireless’ most recent Form 655 Report indicates that Appalachian Wireless did not carry any non-HAC models in calendar year 2016. This information is correct. In addition, all of the devices listed on Appalachian Wireless’ website are HAC, including those that are not currently available for purchase.

In conclusion, Appalachian Wireless maintains its commitment to working with the Commission, consumers, and advocacy groups to refine its approach to complying with applicable HAC regulations. The direct feedback received from the HLAA is far more impactful and productive than the continuation of Form 655 filing requirements, which do not serve to effectuate any change in website format. Accordingly, Appalachian Wireless respectfully requests that the Commission eliminate the Form 655 filing requirements for non-nationwide wireless service providers.

Respectfully submitted,

/s/ Cindy D. McCarty

Cindy D. McCarty
Senior Staff Attorney
East Kentucky Network, LLC d/b/a Appalachian Wireless
101 Technology Trail
Ivel, Kentucky 41642
(606) 339-1006
cmcarty@ekn.com

November 27, 2017